

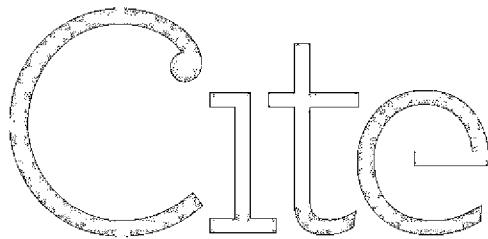
Exhibit 88

Transcript of unemployment compensation hearing

Unemployment Hearing

September 23, 2022

State of Alabama Hearings and Appeals
Unit



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<p style="text-align: right;">Page 1</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6 TRANSCRIPTION OF</p> <p>7 RECORDED UNEMPLOYMENT HEARING</p> <p>8 BEFORE DONNA FOSHEE BUDLONG</p> <p>9 STATE OF ALABAMA HEARINGS AND APPEALS UNIT</p> <p>10 September 19, 2017</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17 Transcribed from prerecorded audio</p> <p>18 Deborah B. Braden, CCR</p> <p>19 September 22, 2022</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p style="text-align: right;">Page 3</p> <p>1 MS. BUDLONG: -- if you'll hold one</p> <p>2 moment, please.</p> <p>3 MR. CURETON: Thank you.</p> <p>4 MS. BUDLONG: Okay. Mr. Cureton,</p> <p>5 can you hear me?</p> <p>6 MR. CURETON: I can.</p> <p>7 MS. BUDLONG: Ms. Key, can you hear</p> <p>8 me?</p> <p>9 MS. KEY: Yes.</p> <p>10 MS. BUDLONG: Great. At this time,</p> <p>11 we will begin the hearing. This is a telephone</p> <p>12 hearing for Case Number 07549-AT-17. Today is</p> <p>13 September the 19th, 2017. I am Donna Foshee Budlong,</p> <p>14 the administrative hearing officer. The parties</p> <p>15 present today, I have the claimant on the line,</p> <p>16 Ms. Key. The employer, Dynamic Security, is the</p> <p>17 appellant in this case and is being represented by</p> <p>18 Mr. Cureton.</p> <p>19 Now, the reason we are here today, the</p> <p>20 claimant was allowed benefits under an examiner's</p> <p>21 determination. The claimant -- I apologize. The</p> <p>22 employer disagreed with that and filed an appeal.</p> <p>23 The section of law involved today, we do</p>
<p style="text-align: right;">Page 2</p> <p>1 MS. BUDLONG: Donna Foshee Budlong,</p> <p>2 State of Alabama Hearings and Appeals Unit. Who am I</p> <p>3 speaking with, please?</p> <p>4 MR. CURETON: This is Ray Cureton</p> <p>5 with Dynamic Security.</p> <p>6 MS. BUDLONG: Spell your last name,</p> <p>7 sir.</p> <p>8 MR. CURETON: C-U-R-E-T-O-N.</p> <p>9 MS. BUDLONG: Mr. Cureton, what</p> <p>10 would be a good phone number to call you back on if we</p> <p>11 were disconnected during this call?</p> <p>12 MR. CURETON: (334)395-7722.</p> <p>13 MS. BUDLONG: Do you plan on having</p> <p>14 anyone else on the call with you today?</p> <p>15 MR. CURETON: I do not.</p> <p>16 MS. BUDLONG: And I show the mailing</p> <p>17 address for the company, sir, is P.O. Box 451,</p> <p>18 Tuscumbia, Alabama 35674.</p> <p>19 MR. CURETON: That is correct.</p> <p>20 MS. BUDLONG: Thank you, sir. I'm</p> <p>21 going to place you on hold one moment and see if</p> <p>22 Ms. Key is on the other line --</p> <p>23 MR. CURETON: Okay.</p>	<p style="text-align: right;">Page 4</p> <p>1 have two sections of law. The first is 25-4-78(3) --</p> <p>2 (3)(c) of the law, which provides for a</p> <p>3 disqualification if an individual -- strike that for</p> <p>4 one moment and let me just get back to -- hang on one</p> <p>5 second for me here.</p> <p>6 Okay. The actual -- we still do have two</p> <p>7 sections of law, but the actual correct separating</p> <p>8 section of law that should be on the record right now</p> <p>9 is going to be 25-4-78(2) Code of Alabama 1975,</p> <p>10 whether the claimant voluntarily left most recent bona</p> <p>11 fide work voluntarily without good cause connected</p> <p>12 with the work.</p> <p>13 So in the hearing today, I would need to</p> <p>14 determine did the claimant leave their job</p> <p>15 voluntarily. If so, was it for a work-connected</p> <p>16 reason, and was it for a good work-connected reason.</p> <p>17 And the other section of law would be 25-4-77(a)(3),</p> <p>18 Code of Alabama, 1975, whether the claimant is able,</p> <p>19 available, and seeking suitable, full-time work and</p> <p>20 available for all hours and shifts in her normal trade</p> <p>21 or occupation.</p> <p>22 So for that section of law, I would need</p> <p>23 to determine is there any reason the claimant cannot</p>

<p style="text-align: right;">Page 5</p> <p>1 accept suitable, full-time work and will take</p> <p>2 testimony on if there are any barriers to the claimant</p> <p>3 accepting suitable, full-time work.</p> <p>4 Now, before I get you each under oath and</p> <p>5 get your testimony in this case, do either of you have</p> <p>6 a question about anything I've said so far?</p> <p>7 MR. CURETON: No, ma'am.</p> <p>8 MS. BUDLONG: Any questions from</p> <p>9 you, Ms. Key?</p> <p>10 MS. KEY: No.</p> <p>11 MS. BUDLONG: All right. Thank you.</p> <p>12 The procedures, then, that we will follow, I will</p> <p>13 place you both under oath. I'm going to start with</p> <p>14 Mr. Cureton's testimony, and, Ms. Key, you could have</p> <p>15 questions of his testimony. We would then get your</p> <p>16 testimony, Ms. Key. Then Mr. Cureton could have</p> <p>17 questions of your testimony. I could have questions</p> <p>18 of either of you throughout the hearing today. Any</p> <p>19 questions about those procedures?</p> <p>20 MR. CURETON: No, ma'am.</p> <p>21 MS. KEY: No.</p> <p>22 MS. BUDLONG: Okay. Thank you.</p> <p>23 Let's go ahead, then, and get each of you under oath.</p>	<p style="text-align: right;">Page 7</p> <p>1 here.</p> <p>2 Q. No problem, sir. I've got that she</p> <p>3 worked there a couple of days, and it was July 31 of</p> <p>4 '17 to August 1 of '17. Does that sound about</p> <p>5 correct, Mr. Cureton?</p> <p>6 A. That is correct. Those are the two days.</p> <p>7 Q. Okay. And what happened? Why -- why</p> <p>8 didn't she -- why -- why was it only two days? What</p> <p>9 happened?</p> <p>10 A. Well, the situation was this: There was</p> <p>11 an issue with the standards for appearance out at</p> <p>12 Hyundai, which are very rigid, where there was some</p> <p>13 dreadlocks. And the -- the account -- the -- our</p> <p>14 account manager, Gloria Robinson, and also Cassandra</p> <p>15 Williams, who is our client contact at Hyundai, talked</p> <p>16 with Ms. Key and informed her that dreadlocks were not</p> <p>17 allowed. And, eventually, it got to the point where</p> <p>18 Ms. Williams asked her -- ask could she be removed</p> <p>19 from the site because of the appearance standards not</p> <p>20 being met.</p> <p>21 At that time, when she was removed from the</p> <p>22 site, we brought her into the office and tried to find</p> <p>23 some other place. She was not discharged from our</p>
<p style="text-align: right;">Page 6</p> <p>1 Do you solemnly swear or affirm the testimony that you</p> <p>2 will give in this case will be the whole truth and</p> <p>3 nothing but the truth.</p> <p>4 Ms. Key?</p> <p>5 MS. KEY: Yes.</p> <p>6 MS. BUDLONG: Mr. Cureton?</p> <p>7 MR. CURETON: Yes.</p> <p>8 MS. BUDLONG: All right. Thank you.</p> <p>9 EXAMINATION OF MR. CURETON</p> <p>10 BY MS. BUDLONG:</p> <p>11 Q. Okay. Sir, for the record, what is your</p> <p>12 job title?</p> <p>13 A. I'm a district manager for Dynamic</p> <p>14 Security, Montgomery office.</p> <p>15 Q. And what was Ms. Key's job title?</p> <p>16 A. She worked at the mailroom in Hyundai</p> <p>17 as -- as -- well, a mailroom attendant.</p> <p>18 Q. And what was her hire date?</p> <p>19 A. Hire date was -- let me see here. Sorry</p> <p>20 for this.</p> <p>21 Q. No problem. Take your time, sir.</p> <p>22 A. The information is usually on top of the</p> <p>23 folder, but it's not. So let me -- let me find it</p>	<p style="text-align: right;">Page 8</p> <p>1 company at all. She was -- we attempted to find some</p> <p>2 other places for her to work. I didn't have any full-</p> <p>3 time positions available at the time, so I offered her</p> <p>4 some part-time positions. She said she had to think</p> <p>5 about it, which we -- she was looking -- during that</p> <p>6 week that we were looking for a position for her, it</p> <p>7 came back to us that she was looking for first shift</p> <p>8 only. And I didn't have any first shifts at that</p> <p>9 time. And --</p> <p>10 Q. How did -- how was it determined she was</p> <p>11 available for first shift only?</p> <p>12 A. She -- she stated that she was available</p> <p>13 for first shift but not for any -- any of the other</p> <p>14 shifts. Excuse me. I'm sorry. The -- the initial</p> <p>15 conversation, she was going to think about it, whether</p> <p>16 she was available for other shifts or not. And,</p> <p>17 eventually, it was determined that she was not</p> <p>18 available for first [sic] shift, but she told to -- I</p> <p>19 think it's an exhibit in the -- in the paperwork. She</p> <p>20 told that specifically to our office manager. And we</p> <p>21 tried to find -- you know, offer her another position</p> <p>22 at a -- at second or third shift. I just didn't have</p> <p>23 any first shifts available.</p>

<p>Page 9</p> <p>1 Q. Yes, sir. Okay. Now -- so when she was 2 first placed at this assignment, were you not aware 3 that her dreadlocks were going to be a problem, 4 Mr. Cureton?</p> <p>5 A. Well, the way the system works at 6 Hyundai, what we do is we send potential applicants to 7 the site, and our account manager out there, Gloria 8 Robinson, interviews them and explains all of those 9 kinds of things to them as she interviews them. And 10 if they're willing to abide by the -- you know, by the 11 standards that -- that are out there, then that's 12 dealt with and, you know -- with -- with the applicant 13 and arrangements are made for that to take place.</p> <p>14 And I -- you know, so I -- I didn't actually 15 see her initially. That was done through the -- 16 through Gloria Robinson at the site. So this came 17 back to me after she was asked to leave the site and 18 removed by the -- by our client --</p> <p>19 Q. Okay.</p> <p>20 A. -- their (indiscernible).</p> <p>21 Q. So are you saying somewhere upon -- in 22 the -- in the hiring process, Ms. Key would have had 23 to have agreed to -- to do something about her</p>	<p>Page 11</p> <p>1 Ms. Robinson specifically told me that those issues 2 were discussed, and that she had agreed to make those 3 changes. But when she came in the next day, they 4 weren't made. And that's part of what happened. 5 That's what -- that's --</p> <p>6 Q. Okay.</p> <p>7 A. Now, I also understand that she had said 8 she was willing to do so but that it would take her 9 some time to get that done. And --</p> <p>10 Q. Uh-huh.</p> <p>11 A. So it -- it just de-escalated, really, 12 from there. There was a -- there was a dispute about 13 that between --</p> <p>14 Q. Okay.</p> <p>15 A. -- all the parties involved, and it got 16 sent to my desk.</p> <p>17 Q. Okay. Then did you interview Ms. Key 18 regarding this situation, Mr. Cureton?</p> <p>19 A. I did.</p> <p>20 Q. And kind of take me through what happened 21 with that.</p> <p>22 A. Well, she -- as far as I can recall, she 23 stated that she was willing to change her -- her hair</p>
<p>Page 10</p> <p>1 dreadlocks?</p> <p>2 A. That is correct.</p> <p>3 Q. Okay. All right. I -- to -- and do you 4 know who that she may have spoke with regarding that?</p> <p>5 A. Yes. It would have been Gloria Robinson 6 and Cassandra Williams. Gloria Robinson is our 7 account manager. Cassandra Williams is the client 8 representative that works for Hyundai.</p> <p>9 Q. Okay. And did you speak to either one of 10 them prior to this hearing, sir, regarding, you know, 11 this -- this situation?</p> <p>12 A. Yes, ma'am. I've spoken with both of 13 them at length on this situation.</p> <p>14 Q. Okay. And did they say that during her 15 interview process, that they did discuss the -- the -- 16 the strict appearance standards with her?</p> <p>17 A. They did. They did, yes.</p> <p>18 Q. And what was -- what did they say to you 19 that -- that Ms. Key said to them about -- about 20 her -- you know, her willingness to conform to 21 Hyundai's strict appearance standards?</p> <p>22 A. That there was a question about that -- 23 that -- whether or not she would be willing. They --</p>	<p>Page 12</p> <p>1 appearance. However, that did not happen. As -- and 2 by that time, once a client requests an officer be 3 removed from the site, we're obligated to do so, you 4 know, by contract.</p> <p>5 And so what I did is we did not terminate her 6 from Dynamic Security. In fact, she said to me at the 7 time she had no problem with Dynamic Security. The 8 problem was with what was going on at Hyundai. And so 9 I said, Well, let me find you something else. And we 10 attempted to -- to find other positions, but we 11 couldn't -- we couldn't come to an agreement on where 12 she could go to work at what times. Didn't have any 13 full-time positions then, and I did not have a first 14 shift available, which is where we ended up.</p> <p>15 Q. Okay.</p> <p>16 A. So --</p> <p>17 Q. Okay. So the -- the biggest issue, then, 18 sir, you have with -- with Ms. -- with Ms. Key is that 19 she was not making herself available for the normal 20 shifts and hours of -- of -- of a security officer?</p> <p>21 A. That's correct. And -- and, like I said, 22 we did not -- we did not discharge her and wasn't much 23 time given for us to find a position until, you</p>

<p style="text-align: right;">Page 13</p> <p>1 know, we heard about this unemployment claim and other 2 things. So -- 3 Q. Okay. 4 A. That's where we ended up. 5 Q. Okay. Now, the -- the claim was not 6 filed until -- and let me get this exact date in front 7 of me here just to make sure. The unemployment claim 8 was filed on August 17th. So you attempted about two 9 weeks to try to find her something, but, like you 10 said, during that time, she had alerted you that she 11 was only available for first-shift work. Is that 12 correct, Mr. Cureton? 13 A. That is correct. That -- I think there 14 was an exhibit there from Nicole Scavella stating that 15 the last time she talked to her about this was on the 16 11th of August, and -- and told her that we -- you 17 know, we were still looking. And we still -- 18 Q. Okay. 19 A. -- were. We still were. We were, you 20 know, trying to -- 21 Q. Right. 22 A. -- to deal with this -- 23 Q. Yes, sir.</p>	<p style="text-align: right;">Page 15</p> <p>1 A. For reassignment, yes. 2 Q. Her reassignment. Okay. 3 A. And that was at the request of Cassandra 4 Williams, the, you know -- 5 Q. Okay. 6 A. -- client contact. 7 Q. Right. Okay. All right. Anything 8 further right now, Mr. Cureton? 9 A. Well, I -- you know, I like Ms. Key. I 10 didn't have a problem with her at all. I still don't. 11 I -- you know, I -- I would love to have had her 12 working for us and finding a position. But, at the 13 same time, it got to the point to where, you know, we 14 didn't hear from her -- hear back from her until this, 15 you know, employment claim. 16 So, you know, it's -- it's just -- it's 17 unfortunate and I hate this kind of thing, but it is 18 what it is. And I'm -- you know, she worked for us 19 for three and a half hours, three hours, and -- three 20 and a quarter hours, I think, is what the -- what the 21 paperwork says. And we just didn't think that an 22 unemployment claim was appropriate at this point. 23 Q. Yes, sir. Yes, sir. I understand.</p>
<p style="text-align: right;">Page 14</p> <p>1 A. -- but -- 2 Q. Yes, sir. Okay. All right. And is 3 there anything else you want -- or strike that. 4 Do you know what day she was interviewed for 5 the position, Mr. Cureton. 6 A. That would -- I think -- I think it would 7 have been around July 21st, thereabouts. 8 Q. Okay. 9 A. The last time. Maybe a little -- 10 Q. Okay. 11 A. -- maybe a little -- few days before. 12 Q. Okay. Just somewhere around July 21st? 13 That's fine. 14 A. Yes. 15 Q. Okay. And then she actually began the 16 assignment on July 31st? 17 A. Correct. 18 Q. Okay. And then she was sent home from 19 Hyundai on August 1st? 20 A. Right. 21 Q. Or sent back to you for -- 22 A. That sounds correct. 23 Q. -- for her reassignment.</p>	<p style="text-align: right;">Page 16</p> <p>1 MS. BUDLONG: Now, Ms. Key, I'm not 2 quite ready for your -- your testimony just yet, 3 ma'am, but is there a question, a direct question, 4 you'd like to ask Mr. Cureton at this time? 5 MS. KEY: No. 6 MS. BUDLONG: Okay, ma'am. 7 EXAMINATION OF MS. KEY 8 BY MS. BUDLONG: 9 Q. So, first of all, Ms. Key, do you agree 10 that the -- the two days that you actually were at the 11 Hyundai facility was July the 31st of '17 and August 12 1st of '17? 13 A. Yes. 14 Q. Okay. And that you were brought in as a 15 mailroom attendant? 16 A. Yes. 17 Q. Have you worked anywhere since August the 18 1st, ma'am? 19 A. No. 20 Q. Okay. Thank you. 21 Now, Ms. Key, if you would, tell me a little 22 bit about the hiring conversation that you had, your 23 interview with Ms. Robinson and Ms. Cassandra. When</p>

<p style="text-align: right;">Page 17</p> <p>1 you were interviewed and -- what did they tell you</p> <p>2 about the, you know, very specific or very strict</p> <p>3 rules of Hyundai when it comes to appearance, ma'am?</p> <p>4 A. Okay. I was interviewed on July 19th,</p> <p>5 and I interviewed with Gloria Robinson and Maurice</p> <p>6 Chambliss. Ms. Cassandra Williams wasn't a part of</p> <p>7 the interview.</p> <p>8 Q. Okay.</p> <p>9 A. And in that interview, Ms. Gloria</p> <p>10 Robinson emphasized throughout the entire interview</p> <p>11 that I was to go by the rules and regulations of</p> <p>12 Dynamic Security, because that's who I essentially</p> <p>13 worked for. And, in her words, that's who signed my</p> <p>14 paycheck. And so she -- at the end of the interview,</p> <p>15 she said that she was not sure if I could wear my hair</p> <p>16 as it was, and she asked me could I take it down. And</p> <p>17 I said, well, I couldn't, because it's my natural hair</p> <p>18 and I would have to cut it off.</p> <p>19 So she asked Ms. Cassandra Williams, which she</p> <p>20 said was her supervisor, to come into the room. And</p> <p>21 the first thing Ms. Cassandra Williams said was, What</p> <p>22 is Dynamic's policy? Like, deferred to Dynamic</p> <p>23 Security's policy. And Ms. Robinson said that she</p>	<p style="text-align: right;">Page 19</p> <p>1 Ms. Williams approached me and talked -- like, said</p> <p>2 that I was inappropriate with my hair. And I asked</p> <p>3 Ms. Williams could I see the policy, and she told me</p> <p>4 that she was not -- like, she did not have to show me</p> <p>5 the policy. And Ms. Robinson said that I was out of</p> <p>6 line for even questioning her and asking to see the</p> <p>7 policy. Because I had never got anything in writing</p> <p>8 saying that that was the rule. Like, I never got</p> <p>9 anything. I was told to defer to the handbook for</p> <p>10 Dynamic Security.</p> <p>11 And then after that, Ms. Robin- -- Ms. Williams</p> <p>12 said that if I wore a hat, that I could -- like, I had</p> <p>13 to have all my hair covered up. I offered to go home</p> <p>14 to get a hat, and that's when Ms. Robinson sent me</p> <p>15 home.</p> <p>16 Then on the 1st is when I returned and I wore a</p> <p>17 hat where all my hair was covered. And Ms. Robinson</p> <p>18 and Ms. Williams saw me during the morning, and they</p> <p>19 didn't say anything to me. Maybe 30 minutes after</p> <p>20 they saw me, they sent for me to come to the office,</p> <p>21 and that is when it was, like -- began to be, like, an</p> <p>22 issue.</p> <p>23 So I asked could I go -- I felt like they were</p>
<p style="text-align: right;">Page 18</p> <p>1 thought Dynamic's policy said that I could not wear my</p> <p>2 hair in its natural state. And I submitted an exhibit</p> <p>3 which shows you there on page 6 of the Dynamic</p> <p>4 handbook, it simply says that a female officer's hair</p> <p>5 has to be neat.</p> <p>6 And when I went to my training on July 27th at</p> <p>7 the Dynamic office, I talked to Nicole, who's the</p> <p>8 office manager, and I asked her was my hair okay for</p> <p>9 the position. And she said that it was nothing wrong</p> <p>10 with my hair, and that it fit -- she looked in the</p> <p>11 handbook, and she said it fit what it said. It was</p> <p>12 away from my face, and she said the length was okay.</p> <p>13 And so when I went to work on the 31st,</p> <p>14 Ms. Williams and Ms. Robinson saw me on more than one</p> <p>15 occasion, and they didn't say anything about my hair.</p> <p>16 When -- you know, and Ms. -- Ms. Robinson was, you</p> <p>17 know, telling me what to do and things like that and</p> <p>18 letting me know my trainer was going to come and get</p> <p>19 me. And, I mean, this was 30, 45 minutes into me</p> <p>20 being there. And neither one of them said anything</p> <p>21 about my hair.</p> <p>22 I pulled Ms. Robinson aside and informed her</p> <p>23 that I was pregnant, and after that is when</p>	<p style="text-align: right;">Page 20</p> <p>1 just -- because I informed them that I was pregnant, I</p> <p>2 felt like they were just trying to basically harass me</p> <p>3 about something that was not really -- that wasn't an</p> <p>4 issue before they found out I was pregnant. So I</p> <p>5 asked if I could go speak with someone in their human</p> <p>6 resources to file a complaint, because I felt that's</p> <p>7 what it was.</p> <p>8 Q. Uh-huh.</p> <p>9 A. And they sent -- they sent me -- they</p> <p>10 said, Well, you can go speak to Ray Cureton, which I</p> <p>11 thought was a human resource person. But I found out</p> <p>12 he was the district manager.</p> <p>13 Q. Right.</p> <p>14 A. And I went and spoke with him. And by</p> <p>15 the time I got there and I spoke with him -- I mean, I</p> <p>16 guess between the time I had transported there, they</p> <p>17 told him they didn't want me back at the site.</p> <p>18 Q. Okay. Okay. All right. Now, let's see</p> <p>19 here. I've got a copy of the -- the -- the policy</p> <p>20 here in front of me, Ms. Key, for the -- for Dynamic</p> <p>21 Security. And I just want to make sure if this is</p> <p>22 Dynamic or if this is Hyundai. So let me check with</p> <p>23 Mr. Cureton before I read this.</p>

<p>Page 21</p> <p>1 MS. BUDLONG: Now, sir, I've got an 2 email here, Mr. Cureton, from -- from Ms. Robinson to 3 you and a few other people on -- 4 MR. CURETON: Yes. I'm familiar 5 with it. 6 MS. BUDLONG: -- Wednesday, August 7 2nd. 8 MR. CURETON: Yes. 9 MS. BUDLONG: And it says here, you 10 know, about where it says dreads are not allowed. 11 Now, is that -- whose policy is that? 12 MR. CURETON: That is a quote from 13 Hyundai's policy -- 14 MS. BUDLONG: Okay. 15 MR. CURETON: -- for personnel 16 working out there. 17 MS. BUDLONG: Okay. So that's 18 Hyundai's policy. I just wanted to make sure before 19 I -- I quoted this. And was this policy ever -- to 20 your knowledge, Mr. Cureton, was this policy made 21 aware to Ms. Key? 22 MR. CURETON: Cassandra Williams 23 told me that she showed her the policy.</p>	<p>Page 23</p> <p>1 asked to see it. If I had not asked, I was not going 2 to be shown, because when I asked, Ms. Williams said 3 twice that she didn't have to show it to me. 4 Q. Okay. All right. Thank you. 5 Now, so when you -- all right. So you went 6 back, and you sat down and talked to Mr. Cureton. Was 7 that on August the 1st, Ms. Key? 8 A. Yes. 9 Q. All right. Kind of take me through that 10 meeting, if you would, ma'am. 11 A. I went to the meeting because -- you 12 know, I told Mr. Cureton that I wanted to file a 13 complaint because I felt that -- well, I told him I 14 was -- you know, when I went to work on Monday 15 morning, both Ms. Williams and Ms. Robinson saw me. 16 And they saw -- 17 Q. Uh-huh. 18 A. -- my hair was the same as it was when I 19 had my initial interview. And neither one of them 20 said anything to me about my hair. 21 Q. Yes, ma'am. 22 A. As soon as I informed Ms. Robinson that I 23 was pregnant --</p>
<p>Page 22</p> <p>1 MS. BUDLONG: Okay. Okay. And -- 2 and that was sometime during the two days that she was 3 on site? 4 MR. CURETON: Yes, ma'am. 5 MS. BUDLONG: Okay. 6 BY MS. BUDLONG: 7 Q. All right. Ms. Key, now, this -- like I 8 said, this is a policy that is -- it says here it's 9 posted on the board in the roll call room. Are you 10 familiar with where the roll call room was while you 11 were there for those first couple of days? 12 A. No. 13 Q. Okay. It says here that females -- it 14 says here, it -- it has been approved for female 15 personnel to wear braids. Only microbraids, tree 16 braids, and whatever the size that is a tad longer 17 than micros are acceptable. The kinky twist-style, 18 bob braids, cornrows, and dreads are not allowed. 19 Were you ever showed that policy, Ms. Key? 20 A. I was showed this policy after I was 21 approached about my hair on two -- on -- on the 31st. 22 But prior to that, I'd never seen it. And then -- and 23 I -- and I wasn't -- I was only shown it because I</p>	<p>Page 24</p> <p>1 Q. Yes, ma'am. And you -- and you've 2 been -- 3 (Simultaneous conversation.) 4 BY MS. BUDLONG: 5 Q. And you've -- and you've told me that 6 already. I've got that. 7 A. Well, I'm -- 8 Q. Okay. 9 A. I'm saying this is what I told 10 Mr. Cureton. 11 Q. Oh, okay. I apologize. Go ahead, ma'am. 12 A. This is what I told Mr. Cureton. I said, 13 As soon as I presented her with a doctor's note, that 14 is when Ms. -- she went to their office, because her 15 and Ms. Williams shared an office. And I told him, I 16 said, that is when Ms. Williams came out and 17 approached me about my hair. And -- 18 Q. Well, what did the doctor's note say? 19 A. It just said that I was cleared to do 20 work; that I had no restrictions to work. 21 Q. Oh, okay. All right. Go ahead. All 22 right. Thank you, ma'am. 23 A. And so after that, maybe like 45 minutes</p>

<p style="text-align: right;">Page 25</p> <p>1 had passed before -- I -- I told him, I said, you 2 know, my trainer came and got me and probably, like, 3 45 minutes passed before Ms. Williams or Ms. Robinson 4 spoke with me after that. And that's when they 5 brought me into the office, and that's when 6 Ms. Williams was like, I couldn't have my hair like it 7 was, and I -- she said that that's not Dynamic's 8 policy. 9 And I said, Well, they -- and I told her that I 10 spoke with Nicole. Like, this is what I was telling 11 him. I said, I spoke with Nicole, and I asked her 12 about my hair. She said that it was okay. It met -- 13 meets the policy according to the handbook. 14 And Ms. Williams said, Well, Dynamic can place 15 you somewhere else, like -- they -- they don't have 16 to -- like, you don't have to work here. And that's 17 when I told him I asked Ms. Williams could I see the 18 policy for myself. And I told him that's when she 19 told me, I don't have to show you anything. 20 Q. Yes, ma'am. 21 A. And then I told -- and then he 22 interjected and told me that maybe, like, it could -- 23 it could appear that they only approached after I told</p>	<p style="text-align: right;">Page 27</p> <p>1 A. -- and that's when I spoke with him. 2 Q. Okay. 3 A. And, I mean, that's basically -- 4 Q. Okay. 5 A. -- everything. 6 Q. So when -- so did you -- in that meeting, 7 did you tell Mr. Cureton that you could really only 8 work first shift? 9 A. No. I told Mr. Cureton that I would 10 prefer to work a first shift, but that I was available 11 for anything because -- and my -- my exact words were, 12 beggars can't be choosers. And I said I was available 13 for anything. But he told me that he didn't have 14 anything that was available and that he would let me 15 know when something became available. 16 Q. Okay. So when's the first -- so when did 17 he have something available he talked to you about? 18 A. I mean, he just -- he didn't give me 19 exact dates. He just said, like, We'll have something 20 coming soon. And then Nicole, the office manager, she 21 said, Well, will you go to Selma? Like, will you 22 drive to Selma? 23 And I said, Yes, I'll drive to Selma.</p>
<p style="text-align: right;">Page 26</p> <p>1 them I was pregnant, but he's known Ms. Robinson for 2 years, and she wouldn't do anything like that. 3 Q. Right. Uh-huh. 4 A. And then I told him that -- I told him -- 5 I told him that I offered to go home and get a hat, 6 but they sent me home instead, and that on -- I told 7 him that I came back the next day with a hat to 8 comply -- 9 Q. Uh-huh. 10 A. -- and all my hair was covered. And they 11 didn't say anything to me again when they first saw 12 me, but maybe 20 minutes after they saw me, they sent 13 for me. And Ms. Robinson was -- because another 14 employee had said something to her, and she was 15 approaching me, asking did I -- like, in a threatening 16 way, did I feel discriminated against or, like, I -- 17 was telling me I was going to be a problem. And this 18 is everything I was telling Mr. Cureton. 19 And I asked -- 20 Q. Okay. 21 A. That's when I asked her -- I went back 22 and asked could I go speak with the human resource -- 23 Q. Yes.</p>	<p style="text-align: right;">Page 28</p> <p>1 She said, Well, that's not going to be 2 available for another few weeks. 3 They never gave me an exact date. They just 4 said, We're going to have something available in a few 5 days or a few weeks. But they never -- I mean, I -- I 6 never was informed on the date or called afterwards to 7 say, Well, something is going to be available on this 8 date. 9 Q. So you're saying that you were never 10 offered another position, ma'am? 11 A. No. I never was. I was just told the 12 jobs that would be coming open. Like, they would be 13 coming open, but I never was -- it was never, like, 14 okay, you can get this position, because the -- and 15 Mr. Cureton was saying it wasn't immediately 16 available. So he wasn't offering. He was just 17 telling me, Well, we'll have this available or we're 18 going to have this available, but it's not available 19 right now. 20 Q. Uh-huh. Okay. All right, ma'am. So 21 since -- since August 1st, how many job applications 22 are you trying to put in on a weekly basis, ma'am? 23 A. Have I tried to put in?</p>

<p>Page 29</p> <p>1 Q. No. No. Yeah. How many -- how many 2 do -- do you put in on a weekly basis? 3 A. At least five to seven. 4 Q. Okay. And tell me a couple of places, 5 you know, that -- that you've put in for. Where all 6 have you put in applications? 7 A. I applied at the Hilton Inn hotel. I 8 applied at Children's Place. I applied at Carter's, 9 Walmart, Target. I've applied for an Amazon position. 10 I've applied at the By His Grace Daycare. 11 Q. Uh-huh. 12 A. I've applied at the -- the blood -- I 13 can't remember -- it's a blood donor -- 14 Q. Okay. 15 A. -- center. It's in Opelika, Alabama. 16 Q. Okay. 17 A. So, I mean, that's just some of them. 18 Q. Okay. Now -- so right now, then -- so 19 can -- are there any -- any reasons you could not 20 accept, you know, full-time work right now? 21 A. No. 22 Q. Okay. Have you told any of these 23 employers that you have -- you can only work certain</p>	<p>Page 31</p> <p>1 your unemployment claim? 2 A. I actually filed my claim on August 6th, 3 but I don't know what happened. They didn't process 4 it until the 17th. 5 Q. Okay. I've got that, you know, your -- 6 your claim was filed -- I mean, I don't -- I don't 7 know what -- my system shows it was actually, you 8 know, put in on August the -- the 17th. But you're 9 saying that -- that you filed one prior to then, 10 ma'am? 11 A. I filed on August 6th, and I -- when I 12 called to check on it, they said that something 13 happened with the system. Because on the paper I 14 have, it says the claim date was August 6th. 15 Q. I do see that now. Yeah. It did fall 16 out of the system. Okay. I'm looking at the notes 17 screen. Yeah. For whatever reason, yeah, it was -- 18 yeah. The claim was actually filed on August the 7th, 19 yes, and -- or August 6th. I'm sorry. It was filed 20 on August 6th. It fell out of the system on August 21 7th, and that's why they backdated it to August 6th. 22 Okay. So that -- that is -- I do see documentation of 23 that now, Ms. Key. So you did actually file the claim</p>
<p>Page 30</p> <p>1 hours or certain days? 2 A. No. I -- the only thing I said was that 3 I would prefer to work the first shift. But, like, on 4 my applications, it's the same. I put I'm available 5 any day at any time, and that still stands true to 6 today. 7 Q. Okay. Okay. Have you checked back with 8 Dynamic to see if they had anything come available, 9 ma'am? 10 A. Yes. I called Dynamic on August 2nd, but 11 I was informed by Nicole they were closed, and I 12 called on August 3rd and August 4th. And I went up 13 there on -- I believe it was either the -- the Monday 14 after that. So I guess it was the 7th -- it was the 15 8th. I think I went up there on the 8th, and I went 16 up there on the -- on the 11th, I went up there on an 17 unrelated matter. And that is when Nicole told me -- 18 she was, like, Oh, yeah. Ray told me to tell you that 19 he has some jobs coming up in -- in a couple of weeks, 20 and he's going to give you a call when they become 21 available. 22 But I have yet to receive that phone call. 23 Q. Okay. Is that when you decided to file</p>	<p>Page 32</p> <p>1 on August the 6th after not -- after -- you know, 2 after speaking with Dynamic those -- those first few 3 days after your assignment had ended. 4 A. Yes. 5 Q. Okay. Okay. All right. Filed. 6 MS. BUDLONG: Okay. Now, 7 Mr. Cureton, do you have a question you want to ask 8 Ms. Key at this time? 9 MR. CURETON: I do not. 10 EXAMINATION OF MR. CURETON (continued) 11 BY MS. BUDLONG: 12 Q. Now -- all right, sir. So since 13 August -- since this -- this assignment, you know, 14 ended, sir, what -- what positions, if any, have been 15 offered to Ms. Key? 16 A. Well, here's what happened: We did not 17 have full-time positions. And this is what the 18 discussion on August 1st was about, having another 19 full-time position available. It was mentioned that 20 there are always part-time positions available on the 21 weekend, which, you know, as far as -- at the time, we 22 had no first shifts available at that time, and that's 23 the -- the thing she wanted to think about was whether</p>

<p style="text-align: right;">Page 33</p> <p>1 or not to -- you know, to take those -- one of those</p> <p>2 weekend positions at a lesser pay rate. So those</p> <p>3 things were mentioned again on August 8th by Nicole</p> <p>4 when she called her and talked to her about it. And</p> <p>5 just nothing else ever came of it at that point.</p> <p>6 Q. Okay. Okay.</p> <p>7 A. The one -- can I clarify something that</p> <p>8 you said as --</p> <p>9 Q. Please. Please. Go right ahead, sir.</p> <p>10 No. Please.</p> <p>11 A. Yeah.</p> <p>12 Q. Anything you want to add, sir, please.</p> <p>13 A. Well, the -- the statement about Nicole</p> <p>14 saying her hair was fine, Nicole -- I've spoken to her</p> <p>15 about this repeatedly, and she was not stating it was</p> <p>16 fine as reference to Dynamic Security policy. She was</p> <p>17 just stating that, Oh, it looks fine to me. She'd</p> <p>18 been in that position for, like, three weeks, you</p> <p>19 know, at the most at that point. So she didn't -- I</p> <p>20 mean, she was not speaking to the issue that Ms. Key</p> <p>21 thought she was -- was asking her about. So that --</p> <p>22 that -- that is not something that was -- Dynamic</p> <p>23 Security was not telling her at that point that her</p>	<p style="text-align: right;">Page 35</p> <p>1 no matter what had happened, Ms. Williams --</p> <p>2 A. Right.</p> <p>3 Q. -- just didn't feel as though that Ms. --</p> <p>4 Ms. Key was going to go through with that?</p> <p>5 A. That's correct. That's correct.</p> <p>6 Q. Okay. Okay. And just told her -- you</p> <p>7 know, sent her back for reassignment. Okay. And then</p> <p>8 when she -- when she was sent back for reassignment,</p> <p>9 she expressed to your agency, Mr. Cureton, that she</p> <p>10 was only interested in full-time, first-shift jobs?</p> <p>11 A. Well, she -- she was only interested</p> <p>12 in -- well, not only. She was interested in first</p> <p>13 time -- would prefer -- in full-time, would prefer a</p> <p>14 first shift, which I didn't have full-time or first</p> <p>15 shift at that point.</p> <p>16 Q. Oh, okay.</p> <p>17 A. And I told her that --</p> <p>18 Q. Okay.</p> <p>19 A. -- you know, she -- at that initial --</p> <p>20 the initial conversation we had, she did not say to me</p> <p>21 that she only wanted first shift. She said --</p> <p>22 Q. Okay.</p> <p>23 A. I agree with her on that. She preferred</p>
<p style="text-align: right;">Page 34</p> <p>1 hair was fine. That was just a person-to-person</p> <p>2 thing, "that looks good to me" kind of thing. So I</p> <p>3 just want to make sure that's clear. It wasn't --</p> <p>4 Q. Okay.</p> <p>5 A. Yeah.</p> <p>6 Q. All right, sir. Now, a moment ago, there</p> <p>7 was -- there was testimony given that on August the</p> <p>8 1st, Ms. -- on -- on August 1st, Ms. Key went in</p> <p>9 wearing a hat. Okay. And then there -- there was</p> <p>10 some discussion about if she was actually going to be</p> <p>11 able to stay on that position, and while a discussion</p> <p>12 was going on, Ms. Williams chose to have her not come</p> <p>13 back. Did I understand that, sir?</p> <p>14 A. That is correct. That is correct.</p> <p>15 Q. Okay. Okay. So do you know why -- if</p> <p>16 there was still ongoing discussion, do you know why</p> <p>17 Ms. Williams chose just to end the assignment without</p> <p>18 further discussion?</p> <p>19 A. Well, as far as I've been told, it was</p> <p>20 simply a matter of didn't -- didn't believe that</p> <p>21 Ms. Key was going to change the hairstyle as had been</p> <p>22 requested. And based on the conversation --</p> <p>23 Q. Okay. No -- no matter what had -- was --</p>	<p style="text-align: right;">Page 36</p> <p>1 first shift and would -- but would want -- and would</p> <p>2 want full-time, but she would take something else if</p> <p>3 it was available, which I said, Well, we have part-</p> <p>4 time available. And -- and that was, you know, not</p> <p>5 acceptable.</p> <p>6 I understand. If you need a full-time job,</p> <p>7 part-time is not acceptable at that point. But we had</p> <p>8 those part-time positions on second and third shift,</p> <p>9 which she had to think about some more, which I</p> <p>10 understand that too.</p> <p>11 The other things that she did when she came in</p> <p>12 here that day and told me -- I think I mentioned</p> <p>13 before she said that there wasn't a problem with</p> <p>14 Dynamic Security, but she was -- she told me then she</p> <p>15 was going to file an EEOC complaint against Hyundai</p> <p>16 for discrimination because she was pregnant. And I</p> <p>17 told her --</p> <p>18 Q. Uh-huh.</p> <p>19 A. -- I didn't think that was -- you</p> <p>20 know, that that was valid. At least I know from our</p> <p>21 perspective, it wasn't a valid thing. We never asked</p> <p>22 her about being pregnant or any of that sort of thing.</p> <p>23 And we've had plenty of pregnant folks working for us.</p>